



International Organization of
Masters, Mates & Pilots

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TIMOTHY A. BROWN
International President

JAMES T. HOPKINS
International Secretary-Treasurer

March 7, 2001

Docket Management Facility
U.S. Department of Transportation
Room PL-401
400-7th Street SW
Washington, DC 20590-0001

Re: Docket USCG 2000-6931- 31

Dear Sir:

On behalf of the International Organization of Masters, Mates & Pilots (IOMM&P), I am pleased to have the opportunity to submit our views on the Coast Guard's proposed rules pertaining to Fire Suppression Systems and Voyage Planning for Towing Vessels. We fully support the Coast Guard's efforts to require additional safety devices on towing vessels. However, as we have stated repeatedly in the past and reiterate today: it is at least if not more important that the Coast Guard address with the same vigor and persistence the issues of manning levels and crew fatigue and their causal relationship to towing vessel accidents. We firmly believe requirements for additional safety devices should only be viewed as the starting point for meaningful and comprehensive changes in towboat regulations in order to prevent disastrous accidents from occurring in this important industry.

After the tragic accident that caused the deaths of 47 Amtrak passengers outside Mobile, Alabama, on September 22, 1993, when the towboat **MAUVILLA** and its six barges collided with a railroad bridge, legislation was introduced by then House Merchant Marine & Fisheries Committee Chairman Gerry Studds to strengthen licensing and inspection standards in the towing industry. On September 22, 1994, the first anniversary of this accident, this legislation successfully passed the House of Representatives. Regretfully, this legislation was not acted on in the Senate due to lack of time before Congress recessed in 1994.

Since that time, the IOMM&P has stated in response to various Coast Guard dockets that meaningful and comprehensive reform of the towboat industry is necessary to achieve the goal of greater safety of life, safety of the vessel and cargo, and safety of the environment. Unfortunately, our comments have all too often been dismissed by the Coast Guard on the grounds that our



on crewing relating issues “did not relate directly to the content of the proposed regulations.” At the same time, the Coast Guard also indicated it would address these issues “in other appropriate ways.”

Recently, in late July 2000, the tug **CHINOOK** was involved in a high profile towboat accident in the Puget Sound. The **CHINOOK** veered off course and rammed a floating bridge across Lake Washington that connected the communities of Redmond and Bellevue with Seattle. A Coast Guard investigation determined that the Captain fell asleep at the helm and the accident was attributed to crew fatigue. This incident once again brings up the issue of manning, hours and safety on the nation’s tugs and towboats. Sea Coast Towing Company, the company operating the vessel, now faces a fine for violating the Federal 12-hour rule. Such violations are alleged to be the norm among a number of companies operating on the inland waterways, thus seriously disadvantaging those companies who operate in compliance with the rules.

In response to the **MAUVILLA** tragedy in 1993, the American Waterways Operators (AWO) developed the Responsible Carrier Program to audit its own safety practices. However, this program requires audits of only 10 percent of the vessels and allows the owners to choose when, where and which vessels will be inspected and who the auditor will be. Significantly, Sea Coast Towing Company is certified with the Responsible Carrier Program.

It is now January 2001. Accidents continue to occur. There have been massive increases in the tonnages carried or towed by these vessels. There have also been massive increases in the amounts of hazardous cargoes with the potential for killing or injuring people and destroying the environment. The IOMM&P can only ask: when will it be the appropriate time to address this critical issue and in what way will it be addressed? It should not be necessary to have another tragic event occur before action is taken.

In the 106th Congress, H.R. 714, the Protection of Seamen against Economic Reprisal Act of 1999 was introduced. This measure would protect river boat crews (and other merchant mariners) from reprisals if they refuse to act in violation of a safety statute or regulation.

Currently, a towboat operator or pilot or other mariner is only protected against retaliatory actions by his employer if he reports a violation of Federal safety laws and regulations to the Coast Guard after the violation occurs. In contrast, there is no such protection against reprisals for a mariner who refuses to obey a company directive or order which, if carried out would result in a violation of a Federal safety law or regulation. In other words, there is currently no protection against reprisals for the individual who acts to prevent an accident, spill, or other incident from occurring but only for those who make a report after the violation occurs.

Unfortunately, there are certain companies that are willing to put their own economic interest above their obligation to act in a safe, responsible manner. Many of these companies use coercive tactics to force mariners to operate beyond normal safety limits. We believe it is critical,



as the Coast Guard struggles to do its job, that the Coast Guard's almost exclusive dependency on safety-related information from companies be ended and that it have the opportunity to receive the information it needs to act **before** a violation, accident or spill occurs. The enactment of the Protection of Seamen against Economic Reprisal Act would give the Coast Guard greater access to vital information, and we would hope the Coast Guard will work with us for its enactment in the 107th Congress.

We appreciate the opportunity to submit comments in this docket and hope that you will take our comments into consideration, if not in this rulemaking, then in a subsequent rulemaking in the near future. We also request that if meaningful legislation such as that described above is introduced that the Coast Guard consider giving its strong support in working for its enactment.

Sincerely,

Richard M. Plant
Director of Special Projects

